

**The Rhode Island Fire Safety Code Board of Appeal & Review met at their headquarters located at 1 Regan Court, Varley Building #46, in Cranston, RI on Tuesday, September 9, 2008 at 1:00 P.M. Present were Chairman Coutu, Vice Chairman Newbrook and Commissioners Dias, Filippi, Pearson, Walker, Jasparro, Jackson, Preiss and Richard.**

**Also present were Executive Director Thomas Coffey and Deputy Director Carol Marsella. The following cases were heard.**

**APPEAL #080052A: Mr. Pat Cull, for the property located at 62 Dudley Street in Providence. DSFM Wade Palazini appeared for the State Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioner Pearson, to grant a variance to not require the handrails at the helipad, but to install a safety net in lieu of the handrails. There was no objection from the State Fire Marshal's office and the motion was unanimous.**

**APPEAL #060210: Ms. Sarah Corbin, for the property located at 19 King Street in East Greenwich. ADSFM Susan Hawksley appeared for the East Greenwich Fire Marshal's office. Commissioner Richard made a motion, seconded by Commissioner Filippi, to grant the Applicant a time variance of 45 days in which to provide emergency lighting in this facility and to install battery operated or battery operated wireless smoke and CO detection, at the direction and to the satisfaction of the East Greenwich Fire Marshal's office. The motion was unanimous.**

**APPEAL #080172: 221 Main LLC, for the property located at 223 Main Street, East Greenwich. ADSFM Susan Hawksley appeared for the East Greenwich Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioners Richard and Dias, to approve the Applicant's plan of action as presented by Mr. Richard Hunt, the Applicant's architect, and to further grant the Applicant a time variance of sixty (60) days to make the required corrections as outlined in the above plan of action. The motion was unanimous.**

**APPEAL #060921: Sanibel Realty Inc., for the property located at 464 Maple Avenue, Barrington. Chief Gerald Bessette appeared for the Barrington Fire Marshal's office. Commissioner Pearson made a motion, seconded by Commissioners Jackson and Richard, to grant a structural variance for the ceiling height in the basement and the stairway to the basement. The Board also granted a variance, for the present occupancy only, from the provisions of section 37.3.5 in order to allow the Applicant not to sprinkle the basement storage area. The motion was unanimous.**

**APPEAL #050194: Gateway Healthcare, Inc., for the property located at 94 John Potter Road in West Greenwich (Building 1). DSFM Kaitlyn Foley appeared for the State Fire Marshal's office. Commissioner Walker recused himself from consideration of this case. Commissioner Jasparro made a motion, seconded by Commissioner Richard, to grant the Applicant a time variance of 120 days from the date of the decision in which to correct any outstanding deficiencies**

outlined in the April 15, 2008 inspection report. The State Fire Marshal's office is authorized to extend the above deadline for good faith efforts shown. The motion was unanimous.

**APPEAL #050201:** Gateway Healthcare, Inc., for the property located at 94 John Potter Road in West Greenwich (Building 2). DSFM Kaitlyn Foley appeared for the State Fire Marshal's office. Commissioner Walker recused himself from consideration of this case. Commissioner Filippi made a motion, seconded by Commissioner Dias, to grant the Applicant a time variance of 120 days from the date of the decision in which to correct any outstanding deficiencies outlined in the April 15, 2008 inspection report. The State Fire Marshal's office is authorized to extend the above deadline for good faith efforts shown. The motion was unanimous.

**APPEAL #050557:** Ms. Jean Leider, for the property located at 12 Fraternity Circle, Kingston. DSFM Dennis McGarty appeared for the State Fire Marshal's office. Vice Chairman Newbrook made a motion, seconded by Commissioners Walker and Dias, a time variance of sixty (60) days in which to install fire doors in the stairwell of this facility, at the direction and to the satisfaction of the State Fire Marshal's office. The motion was unanimous.

**APPEAL #050927:** Ms. Susan Smith, for the property located at 2783 Kingstown Road, Kingston. DSFM Arthur DaCosta appeared for the State Fire Marshal's office. Vice Chairman Newbrook made a motion,

seconded by Commissioners Dias and Pearson, to grant the following relief. The Applicant is granted a variance, based on structural hardship, from the provisions of sections 29.2.1.1 and 7.1.5.1. The Applicant is granted a time variance of thirty days in which to present plans for approval to the State Fire Marshal's office for correction of all other outstanding deficiencies found on the July 1, 2008 inspection report. The Applicant is further granted an additional time variance of 120 days from the initial thirty-day period, in which to make the corrections. The State Fire Marshal's office is granted the authority to extend the above deadline for good faith efforts shown by the Applicant. The motion was unanimous.

**APPEAL 050552:** Mr. Mark Provost, for the property located at 14 Fraternity Circle, Kingston. DSFM Octavio Vieira appeared for the State Fire Marshal's office. Commissioner Walker made a motion, seconded by Vice Chairman Newbrook, to approve the Applicant's plan for the correction of item number 3 of the June 16, 2005 inspection report, at the direction and to the satisfaction of the State Fire Marshal's office. The Applicant is granted a time variance of thirty days in which to submit plans for the above corrections and an additional 120 days in which to make those corrections, at the direction and to the satisfaction of the State Fire Marshal's office. The motion passed over the objection of Commissioner Preiss.

**APPEAL #080233:** Mr. Joshua Barrette, for the property located at 145 Taunton Avenue, East Providence. ADSFMs Carey, Bellamy and

**Powers appeared for the East Providence Fire Marshal's office. Commissioner Walker recused himself from consideration of the above case. Commissioner Dias made a motion, seconded by Commissioner Filippi, to approve the Applicant's plan of action, and to grant the Applicant 120 days to prepare and submit their plans and 120 days in which to implement that plan of action. The Board authorized the AHJ to extend the above timetable for good faith efforts shown by the Applicant. The motion was unanimous.**

**APPEAL #070167A: Bunge North America (East) LLC, for the property located at 38 Colfax Street in Pawtucket. ADSFM Jeffrey Johnson appeared for the Pawtucket Fire Marshal's office. Commissioner Newbrook recused himself from consideration of this case. Commissioner Dias made a motion, seconded by Commissioner Jackson, to amend the Applicant's previous decision as follows. The Applicant is granted a time variance until November 11, 2008 in which to secure a demo bid for this facility, and the Applicant is further granted a time variance until June 13, 2009 as the deadline for demolition of this building. The motion passed with Commissioner Jasparro objecting and Commissioners Filippi and Richard abstaining.**

**APPEAL #080252: JCJ Architecture, for the property located at 242 Main Road in Tiverton (Pocasset School). Chief Lloyd and ADSFM Daniel Murphy appeared for the Tiverton Fire Marshal's office. It was determined that there was no violation of the code – this issue is**

**moot.**

**APPEAL #080251: JCJ Architecture, for the property located at 99 Lawton Street in Tiverton (Fort Barton School). Chief Lloyd and ADSFM Daniel Murphy appeared for the Tiverton Fire Marshal's office.**

**Vice Chairman Newbrook made a motion, seconded by Commissioner Dias, to make the corrections for this facility, according to the Applicant's plan of action agreed to by the parties, prior to occupancy. The motion was unanimous.**

**Respectfully submitted,**

**Carol Marsella**

**Deputy Director**